

VOLUME IV:
PUBLIC SAFETY, NATURAL RESOURCES
AND TRANSPORTATION

OFFICE OF THE
PUBLIC DEFENDER

Agency Summary

OFFICE OF THE PUBLIC DEFENDER

Agency Mission

To provide high quality representation to all indigents in criminal, juvenile and parental rights litigation, fulfilling the governmental obligation to provide effective assistance of counsel and to secure fundamental fairness and due process to the indigent citizens of Rhode Island.

Agency Description

The Office of the Public Defender carries out a single, statutorily-mandated function: the representation of indigent adults and juveniles who are charged with criminal offenses or who are in jeopardy of losing custody of their children to the State. Referrals come from the Supreme, Superior, District, and Family Courts. All who are financially eligible are assigned to a staff attorney for representation in the appropriate court. Within the agency's sphere of responsibilities are activities associated with adult and juvenile criminal matters, and with termination of parental rights and dependency and neglect petitions filed by the DCYF. The office offers appellate representation in the Rhode Island Supreme Court in those areas in which it offers trial level representation. Assisting the attorneys who deliver the primary service of the office is a support staff of social workers, investigators, interpreters, information technology staff, intake staff and clericals. The Public Defender is appointed by the Governor with the advice and consent of the Senate for a six-year term.

Statutory History

The Office of the Public Defender was created in 1941 by Chapter 1007 of the Rhode Island Public Laws. It was one of the earliest, and perhaps even the first, statewide Public Defender agencies in the Nation. R.I. General Laws § 12-15 defines the organization and functions of the agency and mandates it to represent those who are without financial resources to retain private counsel. RIGL § 14-1 describes the referral process by the Family Court, and RIGL § 40-11 authorizes referral of dependency, neglect and termination of parental rights cases to the office by the Family Court.

Budget

Office Of Public Defender

	2019 Actuals	2020 Actuals	2021 Enacted Budget	2021 Revised Budget	2022 Recommended
Expenditures by Program					
Central Management	11,969,257	12,211,072	12,756,318	12,905,816	13,584,454
Total Expenditures	11,969,257	12,211,072	12,756,318	12,905,816	13,584,454
Expenditures by Object					
Salary And Benefits	10,700,592	10,985,274	11,271,348	11,309,996	12,019,394
Contract Professional Services	145,591	97,946	226,378	226,378	225,508
Operating Supplies And Expenses	1,051,588	1,034,768	1,153,897	1,264,747	1,235,052
Assistance And Grants	28,680	9,279	45,000	45,000	45,000
Subtotal: Operating	11,926,451	12,127,266	12,696,623	12,846,121	13,524,954
Capital Purchases And Equipment	42,806	83,805	59,695	59,695	59,500
Subtotal: Other	42,806	83,805	59,695	59,695	59,500
Total Expenditures	11,969,257	12,211,072	12,756,318	12,905,816	13,584,454
Expenditures by Source of Funds					
General Revenue	11,940,555	12,112,368	12,680,653	12,719,301	13,508,789
Federal Funds	28,702	98,704	75,665	186,515	75,665
Total Expenditures	11,969,257	12,211,072	12,756,318	12,905,816	13,584,454
FTE Authorization	95.0	96.0	96.0	96.0	99.0

Performance Measures

Office Of Public Defender

Investigations -- Felony Cases

Rhode Island Public Defender investigators perform investigations in numerous types of cases. The National Legal Aid and Defender Association sets standards that include a requirement that, "Counsel has a duty to conduct an independent investigation regardless of the accused's admissions or statements to the lawyer of facts constituting guilt. The investigation should be conducted as promptly as possible." For that reason, the agency has determined that percentage of cases including an independent investigation is a reasonable proxy measure of quality. The figures below represent the investigation percentage in felony cases. [Note: Missing values appear as zeros in the measure.]

<i>Frequency: Annual</i>	<i>Reporting Period: State Fiscal Year</i>				
	2018	2019	2020	2021	2022
Target	16.00%	16.00%	16.00%	16.00%	16.00%
Actual	15.41%	32.00%	16.39%	0.00%	

Continuing Legal Education Attendance

The Public Defender sponsors a continuing legal education (CLE) program for its legal staff. CLE attendance is a proxy indicator of quality delivery of legal services. Although continuing education is offered through the Rhode Island Bar Association and other organizations, the coursework is not specifically related to the criminal defense function. For that reason, the agency provides CLE courses tailored to the needs of its staff. The figures below represent the average percentage of the ten-hour CLE requirement fulfilled with Public Defender-sponsored courses. [Note: Missing values appear as zeros in the measure.]

<i>Frequency: Annual</i>	<i>Reporting Period: State Fiscal Year</i>				
	2018	2019	2020	2021	2022
Target	80.00%	80.00%	80.00%	80.00%	80.00%
Actual	92.86%	186.00%	0.00%	0.00%	

Misdemeanor Caseloads

Attorney caseload is a surrogate indicator of the quality of indigent legal representation provided. National caseload standards call for an attorney to handle no more than 150 felonies per attorney per year and no more than 400 misdemeanors per year. The figures below represent the percentage by which the average attorney caseload exceeds the national standards for misdemeanors. [Note: Missing values appear as zeros in the measure.]

<i>Frequency: Annual</i>	<i>Reporting Period: State Fiscal Year</i>				
	2018	2019	2020	2021	2022
Target	0.00	0.00	0.00	0.00	0.00
Actual	201.08	436.00	164.20	0.00	

Personnel

Agency: Office Of Public Defender

Central Management

		FY 2022	
		FTE	Cost
Unclassified			
ADMINISTRATIVE ASSISTANT	05420A	2.0	100,996
ADMINISTRATIVE SECRETARY	05417A	8.0	373,789
ADMINISTRATIVE SUPPORT SPECIALIST	00824A	1.0	61,696
ADMINISTRATIVE SUPPORT SPECIALIST	05424A	2.0	127,343
ASSISTANT PUBLIC DEFENDER I	00836A	5.0	526,111
ASSISTANT PUBLIC DEFENDER II	00834A	9.0	845,751
ASSISTANT PUBLIC DEFENDER III	00832A	12.0	1,031,594
ASSISTANT PUBLIC DEFENDER IV	00828A	13.0	900,895
CASE MANAGEMENT COORDINATOR	05019A	7.0	413,926
CHIEF INVESTIGATOR (PUBLIC DEFENDER)	00828A	1.0	83,235
CHIEF/TRIAL DIVISION	00840A	1.0	108,468
DEPUTY CHIEF INVESTIGATOR	05426A	1.0	64,624
DEPUTY PUBLIC DEFENDER	00843A	1.0	144,764
DIRECTOR OF PUBLIC INFORMATION	00839A	1.0	111,056
EXECUTIVE ASSISTANT	00833A	1.0	96,445
FISCAL MANAGEMENT/ADMINISTRATIVE OFFICER	00829A	1.0	79,073
INVESTIGATOR I	05423A	3.0	195,113
INVESTIGATOR II	05421A	2.0	101,742
LEGAL SECRETARY I	05415A	4.0	172,177
LEGAL SECRETARY II	05413A	3.0	119,282
PROGRAM MANAGER	00828A	1.0	72,378
PUBLIC DEFENDER	00845A	1.0	140,443
SOCIAL SERVICES CASEWORKER	05021A	6.0	334,814
STAFF ATTORNEY II	00830A	8.0	617,086
STAFF ATTORNEY IV	00834A	1.0	90,941
STAFF ATTORNEY VII	00840A	2.0	244,000
SUPERVISING CLERK	00818A	1.0	47,499
TRAINER/ASSISTANT PUBLIC DEFENDER	00839A	1.0	133,267
Subtotal Unclassified		99.0	7,338,508
Subtotal		99.0	7,338,508
Seasonal/Special Salaries/Wages			79,100
Turnover			(169,404)
Total Salaries			7,248,204

Personnel

Agency: Office Of Public Defender

Central Management

	FY 2022	
	FTE	Cost
Benefits		
FICA		562,281
Health Benefits		1,341,684
Payroll Accrual		42,199
Retiree Health		376,414
Retirement		2,165,440
Subtotal		4,488,018
Total Salaries and Benefits	99.0	11,736,222
Cost Per FTE Position		122,252
Statewide Benefit Assessment		283,172
Payroll Costs	99.0	12,019,394
Purchased Services		
Buildings and Ground Maintenance		432
Clerical and Temporary Services		133,825
Legal Services		48,500
Other Contracts		42,751
Subtotal		225,508
Total Personnel	99.0	12,244,902
Distribution by Source of Funds		
General Revenue	99.0	12,214,307
Federal Funds	0.0	30,595
Total All Funds	99.0	12,244,902